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SUMMARY RECORD OF THE 6th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 4 February 1993, at 10 a.m.

Chairman: Mr. FLINTERMAN (Netherlands)

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The meeting was called to order at 10.25 am

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (4) (continued) (E/CN.4/1993/3-E/CN.4/Sub.2/1992/42, E/CN.4/1993/6-E/CN.4/Sub.2/1992/49, E/CN.4/1993/9, 12, 13, 70, 71, 72, 73, 74, 81; A/47/76, 262, 509; S/25149)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (9) (continued) (E/CN.4/1993/17, 18, 19 et Add.1; E/CN.4/1992/12; A/47/412)

1. The CHAIRMAN invited participants to continue their examination of agenda items 4 and 9.

2. Mrs. CALANDRA (France Libertés-Fondation Danielle Mitterrand) noted that as the right of people to self-determination was embodied not only in Article 1 of the Charter of the United Nations but also in the two international human rights Covenants, it was one of the cornerstones of human rights themselves. Yet that right was still being flouted by the occupying powers in East Timor, Tibet and Western Sahara.

3. The right of the people of Timor to self-determination had been repeatedly reaffirmed in numerous United Nations resolutions and particularly in Security Council resolution 384 (1975), which had been adopted unanimously following the Indonesian invasion and which reflected the international community's condemnation of the Indonesian Government. Nevertheless, serious human rights violations were continuing in East Timor. On 12 November 1991, the Indonesian army had charged a crowd of peaceful demonstrators and, according to a Portuguese association, their action had resulted in 273 deaths and hundreds of injured and disappeared. Over a period of 17 years the occupation of East Timor had assumed the form of a veritable genocide threatening the survival of the people of Timor which had been reduced by 40 per cent (organized famine, concentration of people in camps, summary executions, elimination of cultural characteristics, forced integration by means of education, birth control policy and replacement of indigenous inhabitants by Indonesians). The recent arrest of Xanana Gusmao, Chief of the National Council of Maubère resistance, as well as several members of the resistance, called for immediate and firm action on the part of the United Nations. That was why France Libertés, together with the International Federation of Human Rights, were demanding the immediate withdrawal of Indonesian troops from the occupied territory of East Timor, the unconditional release of Xanana Gusmao and all other persons who had been detained arbitrarily as well as the organization under United Nations auspices and as soon as possible of a self-determination referendum for the people of Timor. Those two organizations also called upon the Security Council to meet as a matter of urgency to adopt an international embargo on the sale of arms to Indonesia on the basis of Article 41 of the Charter of the United Nations; they further requested that steps should be taken to facilitate access to East Timor by humanitarian and human rights organizations in accordance with the resolution adopted by the Sub-Commission on Prevention of Discrimination and the Protection of Minorities in August 1992.

4. Furthermore, the Tibetan people's right to self-determination was still not being respected. The Chinese Government continued to be responsible for massive violations of the freedoms and fundamental rights of the Tibetans by

persuing a policy of arbitrary arrests, systematic torture, resettlement of the population and birth control, as well as by endeavouring to marginalize Tibetan culture. In other words, what was being threatened was the very identity of a people. The Fondation France Libertés called for action to ensure respect of the Tibetan people's right to self-determination as well as the immediate withdrawal of Chinese troops from the occupied territory of Tibet and the release of all political prisoners. An end must also be put to the policy of population transfers and birth control as well as to the infringement by the Chinese authorities of Tibetan culture in general.

5. Lastly, whereas the Sahraoui people's right to self-determination had been recognized by the entire international community through the unanimous adoption by the Security Council of resolution 690 (1991) which contained a peace plan, one of the parties to the conflict which had accepted that plan was continuing its dilatory manoeuvring to prevent the implementation of the plan. The Moroccan authorities had on several occasions attempted to dissiate the text of the peace plan, particularly in respect of the compilation of the electoral rolls. She recalled that Morocco had accepted paragraph 21 of resolution 690 (1991) which stated that the Spanish census of 1974 constituted the basis of the electorate. Yet Morocco's attempts to get the Verification Commission to accept a list of 40,000 additional voters even before the electoral rolls had been published as well as its refusal to have those lists published constituted a flagrant contravention of the provisions of the peace plan. The same was true of the compulsory population transfers from the southern part of Morocco to the Sahraoui territories controlled by Morocco which were designed to modify the composition of the electorate to its advantage. The silence of the United Nations in the face of repeated violations of the peace plan by the Moroccan Government could not but seriously undermine its credibility as a whole.

6. France Libertés was surprised by the report (document S/25170) which had been submitted by the United Nations Secretary-General to the Security Council and which envisaged three possibilities of breaking the present deadlock. One of those options recognized in a shocking manner that the plan, based on new criteria for the identification of voters, could be implemented without the co-operation of one of the parties - something that was obviously contrary to the very principle of a peace plan. Another option suggested the adoption of a different approach that would not be based on the plan - which would imply that the United Nations was admitting defeat and shirking its responsibility. The Fondation Danielle Mitterrand was wholeheartedly in favour of the first option, namely the intensification of talks which, for the United Nations, would imply that it was creating the basis for a successful solution.

7. Mr. OZDEN (Centre Europe-Tiers Monde) said that first of all he wished to discuss the plight of several oppressed peoples, namely, those of Timor, the Tamils of Sri Lanka, as well as the Kurdish people and the Sahraoui people.

8. The Centre Europe-Tiers Monde (CETIM) noted that the situation of the Kurds was far from improving and that they were subject to implacable repression which took the form of forced assimilation, mass deportation and unquestionable oppression. The many events that had occurred in Kurdistan during 1992 reflected the determination of the colonising countries to crush the resistance of the Kurdish people. That state of mind was the last thing likely to contribute to a political solution for the Kurdish people and make it possible to restore peace to that region of the Middle-East. The Syrian authorities continued to ignore the existence of the Kurds, the Iraqi Government had imposed

a two-fold embargo upon them and the Kurds of Iraq were being repressed by Turkish armed forces which, in October 1992, had launched a major operation that had resulted in the deaths of many civilians and the destruction of numerous houses. Furthermore, Turkish armed forces had penetrated into Iraqi Kurdistan, thereby violating international law, and the allied forces stationed in Turkish Kurdistan to protect the Iraqi Kurds had failed to react to those operations. The situation of the Turkish Kurds was just as alarming. The state of war was becoming a permanent feature, and during 1992 clashes in Turkish Kurdistan had resulted in over 1,700 deaths.

9. As for the Sahraoui people, CETIM deplored the lack of determination and firmness displayed by the United Nations which had nevertheless adopted on many occasions resolutions supporting the expression of their right to self-determination. Yet what was at stake was strictly a problem of decolonization which, legally, called for a referendum to put an end to the last vestige of colonialism in West Africa. What criteria were being used to justify that policy of double standards that was discrediting the United Nations in the eyes of international public opinion? As long ago as in 1975, agenda item 9 had been included in the Commission's agenda and a United Nations mission of enquiry, on its return from Western Sahara, had stated that the majority of the population in Spanish Sahara was clearly in favour of independence. In 1991 hope of a just and lasting peace had re-emerged with the Security Council's adoption of a peace plan which was accepted by the two parties and which was to have led to a self-determination referendum for the Sahraoui people. Since then, the number of obstacles created by Morocco to the application of that plan had increased and, at the present time, when the Spanish census of 1974 was to be used as a yardstick for the designation of the electors in the self-determination referendum, Morocco was deporting thousands of Moroccans to occupied Western Sahara and having them registered as electors. Furthermore, the Secretary-General's report of May 1992 indicated that there had been 102 violations of the cease-fire in Western Sahara, of which 97 were attributed to Morocco and five to the Polisario Front. Furthermore, since 1978 Morocco had no longer authorised ICRC to visit the Sahraoui prisoners of war it was holding. Lastly, the situation in the occupied areas of Western Sahara was serious (arrests, disappearances and complete lack of humanitarian aid).

10. In view of the obstacles created by Morocco to the application of the peace plan, the international community must shoulder its responsibilities. The peace plan must be applied to the letter and it was vital that a mission of enquiry should visit the occupied areas of Western Sahara where the population was experiencing a tragedy despite the presence - unfortunately passive - of the United Nations.

11. Mr. VENERA (Czech Republic) said that his country fully recognized the right of peoples to self-determination as one of the fundamental principles of international law. Peoples also had an inalienable right to determine freely their social and cultural development, namely, they should be able to participate in the conduct of public affairs either directly or through freely elected representatives. The holding of free and regular elections was therefore of crucial importance in that respect.

12. The interpretation of that principle had changed considerably since its embodiment in the Charter of the United Nations, and its application to territories under colonial domination had greatly influenced its content. Although the interpretation of the right to self-determination was quite clear

in the context of the struggle for independence of peoples under colonial domination, the situation was different in respect of established national or multinational independent States. Recent history revealed that the unlimited and abstract application of that right if not accompanied by respect for all other norms of international law could result in chaos and enormous human suffering.

13. As he had already suggested, the main purpose of the realization of the right to self-determination should be the creation of conditions for free economic, social and cultural development. A people which was the subject of discrimination within its own country should have the right to secede from the national entity. However, if such discrimination was not established, the application of the right to self-determination was subject to question. In the context of the principle of self-determination, the definition of the term "people" could be extremely ambiguous. Different interpretations of the term could lead to extremely complex situations, particularly in the case of societies organized in ways different from European or Western societies. The Czech Republic therefore hoped that such problems would be studied seriously and that the meeting of experts to be held at Vaduz the following month would contribute to a better understanding of the principle as a whole.

14. Mr. DATO MUSA HITAM (Malaysia) recalled that his country had for many years been calling upon the Israeli Government to abide by the Fourth Geneva Convention and United Nations resolutions on the treatment of Palestinians in the occupied territories, including Jerusalem. Year after year, since 1968, the Commission had been addressing the question of gross Israeli violations of human rights in the occupied territories but the situation was getting worse and worse with each passing year. The Israelis, who were engaging in what was one of the most cruel repressions in contemporary history, were creating a climate of fear and tension through the systematic use of collective punishment, physical abuse, the demolition of homes, the closure of schools, curfews and deportations. According to the report of the Special Committee to investigate Israeli practices affecting the human rights of the Palestinian people and other Arabs in the occupied territories, the situation had been further exacerbated by the infiltration of increasing numbers of undercover agents and the relaxation of regulations governing the use of firearms. The Israeli authorities had not hesitated to disrupt the work of UNRWA whose assistance was so precious to the Palestinians and in particular to those living in refugee camps. Furthermore, the already difficult economic situation of the Palestinians had been further aggravated by Israel's adoption of harsh taxation policies and administrative regulations. Israel had not only been defying international humanitarian law and United Nations resolutions but had also gone so far as to ask the international community not to interfere with its policies in the occupied territories, claiming that it was at present engaged in the Middle East peace process.

15. When Malaysia had been a member of the Security Council it had played an active role, together with a number of non-aligned countries, in ensuring the adoption of resolution 681 which was intended to provide a mechanism to monitor and ensure the safety and protection of Palestinians in the occupied territories. A mechanism of that nature was justified even more at the present time as it would help to create a climate of confidence which in turn would facilitate the Middle East peace process. It was inadmissible that the Israelis should continue to use the peace process as a cover for their inhuman repression of Palestinians.

16. The Security Council had recently condemned Israel's expulsion of over 400 Palestinians to Lebanon and, in its resolution 799 (1992), had called for the unconditional and immediate return of the deportees to their homes. The Secretary-General had exhausted all diplomatic possibilities of obtaining Israeli compliance with that resolution. It was regrettable that the Israeli Government enjoyed the protection of a prominent member of the Security Council and that Israeli leaders continued to behave as if their country was somehow above the law. His delegation paid tribute to the courage and sense of justice of the Secretary-General who had recommended that the Council should take whatever measures were required to ensure compliance by the Israeli authorities. To that end, Malaysia wholeheartedly supported the Arab Group's initiative to submit a resolution to the Security Council under Chapter VII of the United Nations Charter. Israel's refusal to respect resolution 799 (1992) undermined the credibility not only of the Fourth Geneva Convention, international organizations and international law but also that of the Security Council and of the entire United Nations system. The Council should therefore not accept the partial solution proposed by Israel.

17. The Commission, whose recommendations had been ignored for so many years by the Israeli authorities, should give its full support to the Secretary-General's report with a view to the full implementation of resolution 799 (1992). It was the Commission's job to focus on protecting the human rights of the Palestinians in the occupied territories and require in no uncertain terms that Israel must comply fully with its obligations under the Fourth Geneva Convention, Security Council resolutions and other resolutions concerning human rights and the treatment of Palestinians in the occupied territories.

18. Mr. ITO (Japan) observed that the question of violations of human rights in the occupied Arab territories including Palestine had been on the Commission's agenda for over 20 years; the discussions at the present session, however, were in particular of crucial importance since the search for peace in the Middle East had now reached a historical turning point. It was to be hoped that the direct talks initiated between all the parties concerned in October 1991 at Madrid would result in the restoration of peace in the region. His delegation considered that Security Council resolutions 242 (1967) and 338 (1973) must be fully respected and that any initiative aimed at the peaceful settlement of the Palestinian question must be based on three principles, namely, the withdrawal of Israeli armed forces from all the territories occupied since 1967, Israel's recognition of the Palestinian people's right to self-determination and general recognition of Israel's right to exist. The Japanese authorities were sparing no effort to foster a climate of confidence between the Arab countries and Israel, and that was why Japan was taking part in multilateral meetings. In May 1991 it had acted as host to the first Multilateral Working Group on the Environment in the Middle East; the third Working Group was also to be held in Tokyo.

19. Israel, as the occupying Power, was responsible for protecting the lives and human rights of the civilians living in the occupied territories and should comply unconditionally with the Fourth Geneva Convention. The Japanese Government deplored the Israeli Government's decision to expel 415 Palestinians from the West Bank and Gaza Strip and earnestly hoped that Security Council resolution 799 (1992) would be implemented. Furthermore, it urged Israel to refrain from various acts that violated the human rights of the residents of the occupied territories. It remained deeply committed to promoting the welfare of all the people of the region, including Palestinians and he noted that since

1953 Japan had contributed a total of $US 227 million to the United Nations Relief and Work Agency for Palestine Refugees, including $US 17 million in 1992.

20. Mr. JAMTOMO (Indonesia) recalled that Israel had been occupying Palestine and other Arab territories for 25 years. During that period the occupying Power had continued to control every aspect of Palestinian life and to engage in practices that constituted violations of human rights. Despite the many efforts that had been made to reach a just and comprehensive settlement of the Arab-Israeli conflict, no substantive progress had been achieved. On the contrary, Israel was intensifying its policy of repression and persisting in its policy of expansion.

21. The recent deportation of 415 Palestinian civilians was a violation of Lebanon's sovereignty and hampered the peace process which had reached a critical juncture. It was unfortunate that, despite the efforts of the United Nations Secretary-General, Israel persistently refused to comply with Security Council resolution 799 (1992), thereby defying the authority of that body. The Indonesian delegation therefore agreed with the Secretary-General that the Security Council should take whatever measures were required to ensure compliance with resolution 799 (1992) which had been adopted unanimously.

22. The entire international community was moved and concerned by the plight of the Palestinian people, and in that connection he emphasized that, in its Final Declaration, the Meeting of the Bureau of the Sixth Islamic Summit held at Dakar on 11 January 1993 had strongly condemned Israel for having announced its refusal to implement Security Council resolution 799 (1992), thus violating Article 26 of the Charter of the United Nations. The Meeting had also emphasized that the Israeli Government bore exclusive and direct responsibility for the living conditions endured by those who had been banished. He also recalled that, at their Tenth Summit held in Jakarta in September 1992, the leaders of the non-aligned countries had stressed that a comprehensive, just and lasting settlement of the Middle East conflict could not address only some of the causes of the conflict and that peace could not prevail in the region if it did not include the Palestinians. The Meeting had therefore once again called for the speedy implementation of Security Council resolutions 242 (1967) and 338 (1973) which were recognised as the cornerstones of a comprehensive settlement.

23. Mr. IFTIKHARUL KARIM (Bangladesh) observed that the question of human rights in the occupied Arab territories, including Palestine, had been on the Commission's agenda and given high priority for a number of years. Notwithstanding universal condemnation of its practices, the Israeli Government continued wilfully to disregard General Assembly and Security Council resolutions, ignoring international public opinion and flaunting with cynical impunity the principles embodied in the Universal Declaration of Human Rights and the United Nations Charter. The deportation of 418 Palestinian on 17 December 1992 was the most recent example of its continuing policy of repression directed against the legitimate struggle of the Palestinian people.

24. The peace process initiated in Madrid could thereby be seriously compromised. The Commission, which would not allow itself to be imposed upon, must state that the peace process could not be used as a facade to cloak and justify acts deliberately designed to break the will of a people whose territory was occupied and acts that constituted serious violations of human rights.

Indeed, the Commission as well as the international community must insist that Israel, as the occupying Power, should respect international norms and fundamental human rights and that the Israeli Government should create conditions for a just and durable peace in the region.

25. Mr. MAHDI IBRAHIM (Sudan) pointed out that Israeli practices in the occupied territories constituted flagrant violations of article 5 of the Universal Declaration of Human Rights, article 7 of the International Covenant on Civil and Political rights and articles 31 and 32 of the Fourth Geneva Convention. Those practices constituted war crimes under the Additional Protocol to the Geneva Conventions (Protocol I). The deportation of 415 Palestinian civilians was a synthesis of those practices.

26. Just as it had taken no account of previous Security Council resolutions and specifically resolutions 242 (1967), 338 (1973) and 425 (1978), Israel was disregarding resolution 799 (1992). Indeed, it was even trying to delude the international community by proposing to return some of the Palestinians who had been deported. And it was with regret that the Sudanese delegation noted that that proposal had been supported by some of the States that had voted for resolution 799 (1992). Israel invariably tried to ensure special protection within the United Nations and continued to defy Security Council resolutions, thereby calling in question the credibility of the United Nations. The international community must not tolerate the idea of double standards and should adopt decisions intended to oblige Israel to abandon its present policy. Moreover, in order not to create an unfortunate precedent and undermine efforts aimed at restoring peace in the region, it should require compliance with Security Council resolution 799 (1992).

27. Tel Aviv also continued to defy United Nations decisions relating to southern Lebanon and the Golan and to deny protection to the Palestinians living in those areas. There again United Nations should take a firm stand and insist upon the implementation of relevant Security Council resolutions.

28. He recalled that, in its resolution 1992/4, adopted at its forty-eighth session, the Commission had requested Israel to withdraw from Palestinian territory and the other Arab territories that it had been occupying by military force since 1967, including Jerusalem, and had requested the Secretary-General to transmit the resolution to the Israeli Government as well as to all other Governments, and to disseminate its text as widely as possibly; the Secretary-General's report of 19 January 1993 (E/CN.4/1994/17) indicated that he had, on 30 October 1992, addressed a note verbale to the Israeli authorities and to other Governments requesting information on the implementation of the resolution by the Israeli Government. No reply had yet been received from the State of Israel. In view of its attitude of defiance and contempt, the Commission should shoulder its responsibilities and consider measures (such as a special session) to induce Israel to comply with its resolutions.

29. Mr. JIN Jongjian (China), referring to agenda item 4, observed that certain "hot spots" which, for a long time had been a subject of concern to the international community, had been either eliminated or had cooled down. Although the human rights situation had improved in several regions of the world as a result of the efforts made by many States, nevertheless, his delegation noted with regret that the right of the Palestinian people to self-determination had not been realised and that the occupied Arab territories had not been

returned. A large number of Palestinians had been expelled and their fundamental human rights could not be guaranteed. Continuing concern about the situation in the Middle East was therefore understandable.

30. It was regrettable that Israel had so far been reluctant to implement Security Council resolution 799 (1992) and he wished to reiterate his delegation's position in the matter: the relevant resolutions of the Security Council should be implemented effectively; Israel should immediately put an end to the deportation of Palestinian civilians and allow all those who had been expelled to return to the occupied territories; and the basic human rights of the deportees should be guaranteed. China had always maintained that a political settlement of the Middle East question, including that of Palestine, should be sought on the basis of relevant United Nations resolutions, and it supported the international community as well as the Arab countries and Israel in their efforts to achieve peace in the Middle East. At the present stage, the Commission should once again call upon Israel to respect the relevant provisions of the Fourth Geneva Convention and to guarantee the fundamental rights of the Palestinian people in the occupied territories so as to create a climate conducive to a political settlement.

31. Mr. BLACKWELL (United States of America) said that, as the United States had always opposed violence and inflammatory rhetoric that engendered violence, it had consistently applied itself to the effort of finding a peaceful solution to the Arab-Israeli dispute. It was convinced there was now a real opportunity of extending to the other parties to the conflict the state of peace that had been reached by Egypt and Israel in 1979 and which had been maintained for almost 14 years. For the sake of all, Israelis as well as Palestinians, and for the sake of the children at present suffering as well as those still unborn, the Commission and all international organizations should support the peace process and avoid activities that exacerbated existing problems.

32. His Government had stated clearly on several occasions that it considered Israel's occupation to be governed by the regulations set out in the annex to the Haig Convention of 1907 and by the Fourth Geneva Convention of 1949. Although it remained concerned by the human rights situation in the occupied territories and by the use of excessive force on the part of the Israeli authorities and acts of violence committed by the civilian population, it did not share many of the exaggerated assertions that had been made in the Commission. It noted with satisfaction the progress made in improving certain occupation practices and was particularly pleased by the steps announced by Mr. Rabin concerning the recent deportations. The new Administration of the United States wished to make it clear that it was fully committed to the pursuit of the cause of peace in the Arab-Israeli dispute and appealed to members of the Commission and to persons of good will everywhere to put empty rhetoric aside and contribute to that effort.

33. Mr. EL FAKIH SALEH (Libyan Arab Jamahirya) noted that most of the statements made on agenda item 4 had focused on Israel's decision to deport more than 400 Palestinians to south Lebanon. Indeed, that step had shocked the international community and furnished further proof of Israel's determination to pursue its policy of oppression and repression in Palestine and in the other occupied Arab territories. It was yet another in the list of crimes committed by Israel in those territories as well as in Syrian Golan in the context of the occupation which, in itself, constituted a violation of the Palestinian people's rights, and particularly its right to self-determination which was recognised in

the Universal Declaration of Human Rights and in the International Human Rights Covenants. He recalled that, as far back as 6 January 1992, the Security Council in its resolution 726 (1992) had called upon Israel to put an end to its policy of deportation; however the Israeli authorities had completely disregarded that request and in December 1992 had deported an even larger group of persons regardless of their rights and in violation of the territorial integrity of a sovereign State, namely, Lebanon. Israel was at present persisting in its refusal to implement Security Council resolution 799 (1992) which clearly reaffirmed the applicability of the Fourth Geneva Convention of 1949 to all the occupied territories and called for the immediate return of the deportees to their homes. If, as the zionists claimed, that measure had been taken not against the Palestinians but against a small group of extremists, how was it that the intifada was continuing and that the Palestinians were still opposing Israeli occupation and continuing to claim their right to self-determination and to live in peace on their territory?

34. His delegation asked all members of the Commission to listen to the voice of their conscience and take all necessary steps to put an end to the suffering of the Palestinians and create conditions enabling them at last to enjoy their inalienable rights and to establish their own State on their national territory. In that connection it wholeheartedly supported the proposal to appoint a special rapporteur to investigate the human rights situation in Palestine and in the other occupied Arab territories.

35. Mr. BAATI (Tunisia) said that the Commission on Human Rights which, in a way, represented the conscience of mankind and which was responsible for defending and protecting human rights throughout the world could not but condemn the human rights violations committed by Israel in the occupied Arab territories and should call upon it to put an end to its inhuman practices directed against the occupants of those territories. The Palestinian people had proved that it was determined to fight for the exercise of its rights notwithstanding the suffering imposed upon it by the occupation authorities. Israel's policy in the occupied territories consisting of assassinations, torture, collective punishment and mass deportations - the most recent example of which was the deportation of over 400 Palestinians to south Lebanon in December 1992 - had been condemned by the entire international community since it constituted a violation of international law and in particular of the Fourth Geneva Convention of 1949.

36. Mr. Ben Ali, the President of the Tunisian Republic, had recently appealed to all members of the international community to spare no effort in forcing Israel to respect international legitimacy and to implement United Nations resolutions and in particular Security Council resolution 799 (1992). Any concession in that respect or any selectivity in the application of that resolution would only undermine the credibility of the Security Council. Tunisia was convinced that international justice and legitimacy must be defended and appreciated the efforts made to reach a negotiated settlement of the conflict. It was for Israel to demonstrate its good intentions by not creating any obstacles to the peace process which had been initiated and putting an end to its odious practices. Unfortunately the most recent deportation measure was likely to give rise to extremist reactions and to cancel out the results already obtained at Madrid. His delegation once again emphasised that it was vital to provide international legal protection to the Palestinian people as well as to the inhabitants of Syrian Golan and of south Lebanon occupied by Israel in contravention of the principles of international law and United Nations resolutions condemning that occupation.

37. Mr. LIOR (Observer for Israel) said that, as in previous years, it had become a ritual for Israel to be held responsible in the Commission for every possible evil under the sun. Why did Israel merit such distinction and how was it that ruthless dictatorships such as those of Libya and Iran left the Commission smelling of roses? The answer was obvious: Israel was the target of a well-oiled coalition of Arab and Muslim states for which democratic principles and human rights standards were alien concepts, which showed little respect for the truth and only a passing commitment to other recognised values of an open society, and which were unaware of what was happening in their own territory. The acts of terrorism and oppression perpetrated by countries with authoritarian regimes, such as the Pan Am disaster over Lockerbie engineered by Libya, the 19 fundamentalists sentenced to death in Algeria and the underground war waged by Iranian mercenaries against their own exiled opposition were completely overlooked in the Commission with, unfortunately, the silent acquiesence of democratic countries. Human rights problems admittedly arose in his country, but they were due not to a lack of high moral standards but rather to the war of aggression waged by the Arab states against Israel which had to struggle in order to continue to exist, and its struggle often compelled it to resort to unpopular measures.

38. It was perhaps worth while recalling that it was because Israel had been attacked unsuccessfully for the third time in its history by a coalition of Arab States in June 1967 that it had occupied the territories which were at the origin of the present conflict, and that PLO had been founded in 1964, namely, before the Six-Day War and therefore before those territories had come under Israeli administration. It was interesting to note that, at the time, PLO's objective had not been the Palestinian people's exercise of the right to self-determination and the creation of an independent Palestinian State but the elimination of Israel - which, moreover, still remained one of its goals. The circulation of anti-semitic documents continued, even within the Commission itself. As for Israel's lack of respect for United Nations resolutions, he pointed out that for most of the previous 40 years the United Nations had been dominated by an overwhelming majority of Arab and Muslim countries, which explained the adoption of a large number of absurd resolutions that mechanically condemned Israel. The only meaningful resolution which, moreover, had been adopted immediately after the creation of the United Nations, was the one that had partitioned Palestine into two states, a Jewish State and an Arab State. At the present time certain Arabs were still refusing to apply that resolution and believed that they could reverse the course of history and wipe Israel from the face of the earth through a combination of terrorism, political and economic warfare and the use of propaganda.

39. Yet recently something had changed. Some Arab leaders had finally reached the conclusion that direct negotiations with Israel were inevitable and the Madrid peace process was by far the most important development since the beginning of the Arab-Israeli conflict. However, certain quarters were still seeking to undermine that process. With Iran's backing and financial support, the Hamas movement and the Islamic Jihad had formed an unholy alliance to wage a "holy war" against the cause of peace. Their mode of operation was ruthless and included the cold-blooded murder of Jews and the brutal execution of Arabs in order to terrorise and intimidate those who would "collaborate" with Israel. Eleven Israelis and over 220 Palestinians had been assassinated in recent months by members of the Hamas movement. The exclusion orders directed against Hamas activists did not therefore constitute a particularly drastic measure in view of the gravity of the acts they had committed and they did not deserve pity. By distancing them from potential new victims, with all their legal rights intact, including the right to appeal to the Supreme Court, the Israeli Government had

done nothing more than try to safeguard the lives of all those under its jurisdiction. Unlike Algeria, for example, Israel did not impose capital punishment and its range of possible reactions was therefore limited by moral and legal considerations. Israel was not alone in facing the threat of radical Islamic fundamentalism. From Algeria to Jordan and even including the Gulf States as well as Egypt, radical fundamentalism had become the main threat to the stability of a regime. The extremists were not in the service of God; rather they viewed God as being in their service. That was a denaturation of Islam which posed a danger to the Arab world as well as to Israel and other countries of Asia, Africa and even Europe, and the fact that fundamentalist terrorism was not the subject of an item on the Commission's agenda demonstrated the problematic nature of that body's priorities. Indeed, it appeared that in the view of the Commission terrorism was not really regarded as a violation of human rights and, astonishing as it may appear, it was even tolerated since the State was the victim of terrorists that was now arraigned in the dock.

40. The current peace process must be nurtured and protected in every possible way. The Israeli Government was determined to prevent it being derailed and would use all available legal means to combat terrorist organizations while at the same time doing its utmost to promote mutual understanding with all countries in the Arab world that were prepared to reciprocate. The fragile dialogue that had been initiated should be encouraged since it augured a brighter future free from the scourge of war in the Middle East region. Care should therefore be taken that nothing was done in the Commission that might set back the realisation of peace for generations to come.

41. Mr. RAMLAWI (Observer for Palestine), speaking on agenda item 9, recalled that the Palestinian people who were still living under Israeli military occupation were denied its right to self-determination. Furthermore, some of them did not even have the right to live in their homeland since Israel refused them the right of return. In that respect, Israel was continuing to flout the provisions of international law and specifically Articles 1 and 55 of the United Nations Charter and article 1 of both International Covenants on Human Rights, as well as numerous resolutions of the General Assembly and the Commission on Human Rights, and was stubbornly pursuing its policy of fait accompli.

42. It was clear, on the other hand, that the reactions of Israel's allies varied, depending on where in the world the same kind of situation occurred. Yet in 1946, with the General Assembly's adoption of resolution 181, the United States of America had accepted the idea of a sovereign Palestinian State, side by side with a Jewish State, on the territory of Palestine. How, therefore, could it now stand in the way of the international community's decision by using its right of veto in the Security Council when effective measures to that end were to be taken. That attitude was incompatible to the United Nations Charter as well as with the International Covenants on Human Rights which had been signed by the United States.

43. He emphasised that the Israelis were making the Palestinian people experience what the Western peoples had inflicted on them in the past. United States support for Israel was possibly its way of atoning for the wrongs it had inflicted on the Jewish people - wrongs for which the Palestinian people were not in the least responsible. The Madrid talks had been initiated outside the framework of the United Nations because they were not based on principles of international law, since the right to self-determination and Israeli withdrawal from the occupied territories was still being denied the Palestinian people.

Although they were well aware of that fact, the Palestinians had nevertheless decided to participate in the talks in order to defend their right to self-determination. The international community must certainly realize that an era of just and lasting peace in the region would be ushered in by restoring to the Palestinian people its inalienable rights to its national territory. Failing that, wars even worse than those which had already taken place there would certainly break out and history would unquestionably place the responsibility for them on Israel and its allies.

44. Mr. AL-FARSY (Observer for Oman) noted that, despite the hopes aroused by the initiation by the Madrid talks, Israel did not let slip a single opportunity of committing acts contrary to international law, as was proved by its recent decision to deport over 400 Palestinians to Lebanon in flagrant violation of the Fourth Geneva Convention as well as Lebanon's sovereignty.

45. The report submitted by the Secretary-General to the Security Council (S/25149) revealed that the United Nations had spared no effort to convince Israel that it should go back on its decision and avoid having the Security Council adopting sanctions against it. Yet Israel refused to back-pedal and to apply Security Council resolution 799 (1992). In doing so, it was pursuing its policy designed to empty the occupied territories of their inhabitants, various United Nations resolutions notwithstanding.

46. Since the beginning of the intifada, the bullets of Israeli security forces had claimed many victims, many of whom were children, and a large number of persons had been expelled. When would Israel decide to apply United Nations resolutions? Action must be taken as a matter of urgency to put an end to the violations that were committed daily by the Israeli occupation forces and to make Israel withdraw unconditionally from the territories it occupied. Oman considered that United Nations bodies should adopt deterrent resolutions against Israel, as it had done when other States had violated provisions of international law.

47. Mr. GEGHMAN (Observer for Yemen) said he wished to discuss the roots of the drama that was at present unfolding in the Near East. Many peoples had still been colonised at the beginning of the twentieth century; they had rebelled, and what had been described as the era of terrorism had been nothing less than the manifestation of the right of peoples to revolt so as to be able to decide their own future. Those various rebellions had marked the end of an era of colonialism. Nevertheless, the Israeli-Palestinian problem persisted.

48. Everything had begun in Europe: had the Jews not been the targets of implacable hatred there they would not have left their countries of origin and the basic problem of the Middle East would not have arisen. The Europeans, after having engaged in numerous pogroms and other forms of persecution that were quite comparable with "ethnic cleansing" had considered that, in order to save Europe, the Jews had to be concentrated in a "super ghetto" which it was decided should be in Palestine. That operation had been carried out at the expense of the Palestinian people who were guilty of no crimes against the Jews. Rather than trying to forget or even rewrite history, Europe should draw lessons from what had happened and put an end to the tragedy for which it was responsible.

49. It happened that, in certain cases, the Western countries cut off the assistance they provided to third world countries on the pretext, for example, that they were not democratic enough. Could they not act in the same way with Israel instead of becoming bogged down in disputes and admonitions? The Commission should adopt a resolution commensurate to the crimes committed by Israel and the least that could be expected of Europe was that it should bring pressure to bear on the Security Council in order to get it to shoulder its responsibilities.

The meeting rose at 1.05 p.m.